THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 16815 of 2007

07-08-2007

Between:

S. Archana

Petitioner

And

The District Collector, Nellore,
Nellore district and another.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No.16815 of 2007

Oral Order:

On 17-07-2007 exercising the power and jurisdiction under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), the first respondent issued a draft notification for acquisition of certain specified lands situated in Kovuru village and mandal, Nellore district for providing residential plots to the persons belonging to weaker sections.

Petitioner claims to have purchased land in an

extent of Ac.0-70 cents in survey No.195 and Ac.0-30 cents in survey No. 196-A of Kovur village from one Gunupati Haragopal Krishna Reddy on 02-03-2007 under an agreement of sale and in respect of which the registered sale deed was executed by the said Haragopal Krishna Reddy in favour of the petitioner on 05-07-2007.

In respect of the above extents of lands which are also proposed for acquisition, the name of Haragopal Krishna Reddy is reflected in the column relating to the possessors and not the petitioner's name, in the acquisition notification. Hence, the petitioner lodged a representation to the respondents on 30-07-2007 claiming to be a person interested and pleading her title to the lands, as above. The petitioner asserts that as urgency clause was not invoked and the enquiry under Section 5A of the Act was scheduled to be held on 05-08-2007 after issuing a notice to Haragopal Krishna Reddy but not to her, she is aggrieved particularly by the fact that despite her representation dated 30-07-2007, the respondents have not chosen to solicit her objections to the acquisition process and also for not having afforded an opportunity to represent and object to the acquisition process.

The learned Government Pleader for Land Acquisition very fairly concedes that in the context of the detailed representation said to have been made by the

petitioner on 30-07-2007, the respondents are obligated to consider the petitioner's objections also before proceeding further towards acquisition.

In the circumstances, the writ petition is disposed of, at the stage of admission, after hearing the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition, directing the respondents to issue notice to the petitioner soliciting her objections under Section 5A of the Act specifying a reasonable time for submitting the objections, consider the objections, if any, submitted by the petitioner within such time and take a decision thereon as to the further process of acquisition. The respondents shall communicate such decision to the petitioner by registered post acknowledgement due and only thereafter take further steps for acquisition of the property, if any. No order as to costs.

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GODA RAGHURAM, J

Dated: 07-08-2007
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